

87th Legislative Session – 2012

Committee: Senate Health and Human Services

Monday, January 23, 2012

P - Present
E - Excused
A - Absent

Roll Call

P Bradford
E Holien
P Krebs
P Rampelberg
P Schlekeway
P Kraus, Vice-Chair
P Hunhoff (Jean), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senate Jean Hunhoff, Chair.

MOTION: TO APPROVE THE MINUTES OF FRIDAY, JANUARY 20, 2012

Moved by: Krebs
Second by: Schlekeway
Action: Prevailed by voice vote.

CONFIRMATION OF THE APPOINTMENT OF LAURIE GILL, SECRETARY,
DEPARTMENT OF HUMAN SERVICES:

Deb Bowman, Office of the Governor
Laurie Gill, Secretary, Department of Human Services

MOTION: CONFIRM APPOINTMENT OF LAURIE GILL OF HUGHES COUNTY,
SOUTH DAKOTA, TO THE POSITION OF SECRETARY OF THE
DEPARTMENT OF HUMAN SERVICES

Moved by: Kraus
Second by: Krebs
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Bradford, Krebs, Rampelberg, Schlekeway, Kraus, Hunhoff (Jean)

Excused: Holien

SB 14: revise certain provisions regarding alcohol or drug commitments.

Presented by: Representative Nick Moser

Proponents: Lynne Valenti, Department of Social Services (Handout: 1)
Terrance Dosch, SD Council of Substance Abuse Directors
SD Council of Mental Health Centers
Dr. Matthew Stanley, Self, Sioux Falls (Teleconference)
Deb Fischer Clemens, Avera Health

MOTION: DO PASS SB 14

Moved by: Kraus

Second by: Schlekeway

Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Bradford, Krebs, Rampelberg, Schlekeway, Kraus, Hunhoff (Jean)

Excused: Holien

SB 15: revise certain provisions related to the treatment of persons with mental illness, including consent to treatment.

Presented by: Lynne Valenti, Department of Social Services

Proponents: Dr. Matthew Stanley, Self, Sioux Falls (Teleconference)
Dick Tieszen, SD Sheriffs
Scott Peters, Minnehaha County, Sioux Falls
Terrance Dosch, SD Council of Substance Abuse Directors
SD Council of Mental Health Centers
Deb Fischer Clemens, Avera Health

MOTION: AMEND SB 15

15ja

On page 18, line 1, of the printed bill, after "." insert "Any law enforcement officer who in good faith performs any act of taking custodial charge, transportation, delivery, or other commitment procedure at the request of or direction of another under the provisions of this Act is immune from any civil liability that might otherwise be incurred or imposed. The immunity from civil liability

under this section does not apply if a resulting injury was due to willful or wanton misconduct."

Moved by: Schlekeway
Second by: Krebs
Action: Was not acted on.

MOTION: AMEND SB 15

15jb

On page 11, line 19, of the printed bill, delete "~~§ 27A-8-18 or §§ 27A-8-2 and~~" and insert "~~§ 27A-8-18 or~~ section 13 of this Act and §".

Moved by: Krebs
Second by: Schlekeway
Action: Was not acted on.

MOTION: AMEND SB 15

15jb

On page 11, line 19, of the printed bill, delete "~~§ 27A-8-18 or §§ 27A-8-2 and~~" and insert "~~§ 27A-8-18 or~~ section 13 of this Act and §".

Moved by: Krebs
Second by: Schlekeway
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Bradford, Krebs, Rampelberg, Schlekeway, Kraus, Hunhoff (Jean)

Excused: Holien

MOTION: AMEND SB 15

15ja

On page 18, line 1, of the printed bill, after "." insert "Any law enforcement officer who in good faith performs any act of taking custodial charge, transportation, delivery, or other commitment procedure at the request of or direction of another under the provisions of this Act is immune from

any civil liability that might otherwise be incurred or imposed. The immunity from civil liability under this section does not apply if a resulting injury was due to willful or wanton misconduct."

Moved by: Schlekeway
Second by: Rampelberg
Action: Prevailed by roll call vote. (5-1-1-0)

Voting Yes: Krebs, Rampelberg, Schlekeway, Kraus, Hunhoff (Jean)

Voting No: Bradford

Excused: Holien

MOTION: DO PASS SB 15 AS AMENDED

Moved by: Kraus
Second by: Rampelberg
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Bradford, Krebs, Rampelberg, Schlekeway, Kraus, Hunhoff (Jean)

Excused: Holien

SB 23: place certain substances on the controlled substances schedule and to declare an emergency.

Presented by: Tom Martinec, Department of Health
Proponents: Darin Peanrau, Self, Spearfish
Marty Jackley, Office of the Attorney General
Greg Vandekamp, City of Sioux Falls, Sioux Falls
Paul Bachand, SD State's Attorneys Association
Terrance Dosch, SD Council of Substance Abuse Directors
SD Council of Mental Health Centers
Karen Buhl, Self, Pierre

MOTION: AMEND SB 23

23ja

On page 3, line 9, of the printed bill, after "Cathinone" insert "and other variations, defined as any compound, material, mixture, preparation or other product unless listed in another schedule or

an approved FDA drug (e.g. bupropion, pyrovalerone), structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:

- (a) By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;
- (b) By substitution at the 3-position with an acyclic alkyl substituent;
- (c) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups or by inclusion of the 2-amino nitrogen atom in a cyclic structure.

Some trade or other names: methcathinone, 4-methyl-N-methylcathinone (mephedrone); 3,4-methylenedioxy-N-methylcathinone (methyldone); 3,4-methylenedioxy-pyrovalerone (MDPV); Naphthylpyrovalerone (naphyrone); 4-fluoromethcathinone (fledrone); 4-methoxymethcathinone (methedrone; Bk-PMMA); Ethcathinone (N-Ethylcathinone); 3,4-methylenedioxyethcathinone (ethylone); Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (butylone); N,N-dimethylcathinone (metamfetramone); Alpha-pyrrolidinopropiophenone (alpha-PPP); 4-methoxy-alpha-pyrrolidinopropiophenone (MOPPP); 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (MDPPP); Alpha-pyrrolidinovalerophenone (alpha-PVP); 3-fluoromethcathinone; 4'-Methyl-?-pyrrolidinobutiophenone (MPBP)".

On page 3, line 10, overstrike everything after "(38)".

On page 3, line 11, overstrike "(39)".

On page 3, line 12, overstrike "(40)" and insert "(39)".

On page 3, line 13, overstrike "(41)" and insert "(40)".

On page 3, line 14, overstrike "(42)" and insert "(41)".

On page 3, line 15, overstrike "(43)" and insert "(42)".

On page 3, line 16, overstrike "(44)" and insert "(43)".

On page 3, line 17, overstrike "(45)" and insert "(44)".

On page 3, delete lines 18 to 24, inclusive, and insert:

"

~~(46)~~(45) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);

~~(47)~~ 5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;

~~—————~~ (48) 5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;

~~—————~~ (49) 1-Butyl-3-(1-naphthoyl)indole;

(46) Synthetic cannabinoids. Any material, compound, mixture, or preparation that is not listed as a controlled substance in another schedule, is not an FDA-approved drug, and contains any quantity of the following substances, their salts, isomers (whether optical, positional, or geometric), homologues, and salts of isomers and homologues, unless specifically excepted, whenever the existence of these salts, isomers, homologues, and salts of isomers and homologues is possible within the specific chemical designation:

(a) Naphthoylindoles. Any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

Some trade or other names: JWH-015; 1-pentyl-3-(1-naphthoyl)indole (JWH-018); 1-hexyl-3-(1-naphthoyl)indole (JWH-019); 1-butyl-3-(1-naphthoyl)indole (JWH-073); 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081); 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122); 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); JWH-210; JWH-398; 1-pentyl-3-(1-naphthoyl)indole (AM-678); 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201); WIN 55-212;

(b) Naphthylmethyloindoles. Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent;

(c) Phenylacetylindoles. Any compound containing a 3-phenylacetylindole structure

with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

Some trade or other names: 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18); 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (RCS-8); 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250); 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203);

- (d) Benzoylindoles. Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

Some trade or other names: 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694); 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19); Pravadoline (WIN 48,098); 1-pentyl-3-[(4-methoxy)-benzoyl]indole (RCS-4);

- (e) Naphthoylpyrroles. Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

Some trade or other names: JWH-307;

- (f) Naphthylmethylindenes. Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent;

- (g) Cyclohexylphenols. Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent.

S o m e t r a d e o r o t h e r n a m e s :

5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47, 497 and homologues, which includes C8); cannabicyclohexanol;

(h) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol. Some trade or other names: HU-210;

(i) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone. Some trade or other names: WIN 55, 212-2;

(47) 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine) (MDAI);

(48) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);

(49) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);

(50) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);

(51) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);

(52) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);

(53) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);

(54) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);

(55) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N); and

(56) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P)".

On page 4, delete lines 1 to 5, inclusive, and insert:

"

~~(50) 1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole; and~~

~~—————(51) 1-Pentyl-3-(1-naphthoyl)indole."~~

On page 7, delete line 20, and insert:

"

(46) Ezogabine,[N-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester],".

Moved by: Kraus
Second by: Krebs
Action: Was not acted on.

MOTION: ADJOURN

Moved by: Kraus
Second by: Rampelberg
Action: Prevailed by voice vote.

Cindy Louder
Committee Secretary

Jean M. Hunhoff, Chair